

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING – REZONING)**

November 22, 2004

6:00 PM

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Sysyn.

Mayor Baines called for a moment of silent prayer asking that we remember Robert MacKenzie's mother who recently passed away.

The Clerk called the roll. There were ten Aldermen present.

Present: Aldermen Gatsas, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, Garrity, Smith and Forest

Absent: Aldermen Roy, Guinta, DeVries and Thibault

Mayor Baines advised that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to a proposed Zoning Ordinance change; that the Clerk will present the proposed Zoning Ordinance change for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his or her name and address in a clear, loud voice for the record, that each person will be given only one opportunity to speak; and any questions must be directed for the Chair.

The Clerk presented the proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by extending the R-SM (Residential Suburban Multi-Family) zoning district to include property currently zoned R-S (Residential Suburban) located on Front Street and Hackett Hill Road and known as Tax Map 767, Lots 4 and 4B.”

Mayor Baines requested Robert MacKenzie, Director of Planning, to make a presentation.

Mr. MacKenzie stated this particular rezoning is requested by an applicant and involves property at the corner of Front Street (right here) and Hackett Hill Road. Currently, it's basically an undeveloped lot with exception of one single-family home. The site actually involves two lots. One larger lot of about 8.3 acres and a smaller lot which is actually owned by the City of Manchester. The zoning in this area...you can see that the darker shaded, darker green is R-SM which is Suburban Multi-Family and does allow both townhouses and garden style apartments. You're probably familiar with some of these...this is Greenview

Village an apartment complex. Golfview Drive has townhouses and then Oak Brook is located right here. The area is currently zoned R-S which is Single-Family and it requires large lots nearly an acre and the outline of the current R-S district extends up and includes a nursing home and up to the Hooksett Town line which is right along here. So, the R-S includes probably seven or eight different lots including the self storage facility on Front Street. You can also see immediately adjacent is the relatively newly created Research Park District which includes Hackett Hill, French Hall and is proposed for a corporate office park. The next slide is the same map but it has an aerial photograph on it and you can see the different multi-family projects in the area including the one across the street...since this photo was taken there is actually a new building built by the Palmisano's that is up on the hill here which is about the same size as this building which is right at the corner. You can see again that the site is primarily undeveloped, it's wooded, there is a wetlands that runs through the site somewhat like this and they have indicated in their report to the Board that of the 8.3 acres a little over 5 acres are buildable acres and that's what's used as a basis for determining how many units can be built. The land then rises up towards the highway...this is Everett Turnpike I-293 and I think that's all that I wanted to cover at this point. I would say that the applicant has put together a fairly detailed proposal in his package and described such things as impact on schools, buildable area and projected maximum number of units that could be built on this site. So, I would be happy to answer any questions.

Alderman Lopez stated to the left side it's city-owned land on the other side of the road.

Mr. MacKenzie stated it's city-owned and this area is the temporary Hackett Hill fire station right in that location. In the rezoned area requested there's actually a small parcel that was set aside, I believe, by Russ Development for a future water pump station, I'm not sure if it's there but it was actually purchased and set aside at that location.

Alderman Lopez stated so where the fire station is...how much land is that?

Mr. MacKenzie replied the City owns roughly 200 acres in that area.

Alderman Lopez asked is that where a new fire station is going to go?

Mr. MacKenzie replied yes.

Alderman Lopez asked would that have an impact on changing the rezoning?

Mr. MacKenzie replied I don't think there would be any impact either way. Either on this project on the fire service in the area of the location of the fire station. There have been a couple of sites including this one and further up that have been looked at by the Fire Department for a future station.

Alderman Lopez asked when it goes before the Committee on Bills on Second Reading could we get detailed impact fees from the Planning Department as to the costs the developer is contributing?

Mr. MacKenzie asked the expected amount?

Alderman Lopez replied yes.

Mr. MacKenzie replied yes, we could give you an estimate on that.

Alderman Porter stated my condolences on the passing of your mother.

Mr. MacKenzie stated thank you, Alderman.

Alderman Porter stated you mentioned apartments and townhouses...townhouses can be either apartments or condominiums, are we dealing at all with condominiums?

Mr. MacKenzie stated I don't think the developer has committed to either one or the other, he has indicated in his description that it would be condominiums or rental units.

Alderman Porter stated because from a tax revenue point of view condominiums would yield a higher return in terms of taxes. The other question is you've got five acres and roughly 3.3 of flood area, would the 3.3 be used in any way for the density for the number of units...like a planned unit development you can use unbuildable land as part of the density for the development. Would we be dealing with five acres of buildable land, would have to meet the zoning requirements and building requirements of 5 acres or would it be increased with the 8.3 even though 3.3 couldn't actually be used.

Mr. MacKenzie replied in this case they could not use that roughly 3.3 of unbuildable area in their density calculations. So, when they calculated up to 66 units that was based upon the lower number.

Alderman Osborne stated the 600 homes I've been reading about in the newspaper; whereabouts after this comes to a head where would they be.

Mr. MacKenzie replied they are relatively a good distance away up Hackett Hill Road but virtually all of the traffic would come down Hackett Hill Road to Front Street from that development, so located way up past Hillcrest Terrace but again the main access would be coming down to this intersection at Front Street.

Alderman Gatsas stated the piece that's owned by the City that's in that rezoned parcel what's the size of it.

Mr. MacKenzie replied about a 4,200 sf parcel, so it's fairly small. It's about 70 x 60.

Alderman Gatsas stated that's undevelopable.

Mr. MacKenzie stated yes.

Alderman Gatsas asked is the applicant planning on coming to the City to purchase that?

Mr. MacKenzie replied no. I think the way they worded their description was that they wanted to rezone their parcel but because that little one was tucked inside the site so closely that it made sense to rezone it rather than just leaving a small little island there.

Alderman Gatsas stated I guess my question would be at that point that piece would be worthless to the City, can't build anything on it.

Mr. MacKenzie stated I think in either case under either zoning it is not a buildable lot because it's so small roughly 4,000 sf.

Alderman Gatsas stated the density would go from 5 units to 66 with the rezoning.

Mr. MacKenzie replied yes.

Alderman Gatsas stated you said it was one acre lots.

Mr. MacKenzie replied yes.

Alderman Porter asked why would the City want to retain that, what is that parcel used for now anything?

Mr. MacKenzie replied I know it was required, at one point, when Countryside Village was being developed because Water Works thought they would need a water pump station. I just can't remember whether they did put a pressure service in there or not.

Alderman Porter asked is that still valid?

Mr. MacKenzie replied I'm not sure that's something I could check and get back to you with.

Mayor Baines asked can you get that information before Bills on Second Reading as that will be important.

Mr. MacKenzie replied yes.

Alderman Gatsas stated my concern is that Alderman Smith is in charge of Accounts and I want to make sure that none of this...whenever we do these rezonings that even though they're under a different ownership that there isn't something that a builder or a developer might have owed the City in the past on some other project. I'm not saying that this is but

my question is do we ever check that on the Accounts to make sure we go into a rezoning that there isn't anything outstanding with Accounts.

Mr. MacKenzie replied I know our staff does not check that, no. We can check that and get that information.

Alderman Gatsas asked would you please.

Mr. MacKenzie replied sure.

Mayor Baines called for those wishing to speak in favor. There were none.

Mayor Baines called for those wishing to speak in opposition.

Janet Reilly, 2 Northbrook Drive, Manchester, NH, stated: I'm here on behalf of the Oak Brook Condominium Association Board of Directors on behalf of its 192 unit owners. Northbrook Drive, which is the entrance to our property, sits on the east side of Route 3A approximately 50 yards south from the foot of Hackett Hill Road. Our concern is that over the years many condominiums, apartments and many single-family homes have been built in our area. This has created a significant increase in traffic making it difficult to enter and exit our property in a safe manner despite the lights at the intersection of Hackett Hill Road and Route 3A. We as well have had two major accidents within the last two years causing a lot of property damage to our condominium association. To change the requested zoning from "5 or 6" single-family homes to as many as "66" apartments would greatly impact not only about ability to have access to our property, but to our safety as well. We ask that you give careful thought to the impact that the requested rezoning would have on the taxpayers who currently reside in that area and vote not to rezone the requested parcel of land.

Alderman Gatsas asked is there anyway I can ask Mr. MacKenzie a could more questions?

Mayor Baines replied yes.

Alderman Gatsas stated I'm sure that my recollection may be incorrect but didn't I understand that there had to be a minimum of 10 acres for rezoning or is that for industrial?

Mr. MacKenzie replied no that is not R-SM but it includes additions to existing R-SM districts. In this case the areas to the south and to the east are zoned R-SM, so it would be included in that district.

Alderman Gatsas asked is there a reason why we wouldn't include the rest of that piece that follows this parcel along with the...kind of looks like we're leaving a sliver out there that front on river brook, is there a reason why we would rezone that whole piece?

Mr. MacKenzie replied that's a fair question. The applicant is only interested in their property. I did look at that other area but it may be premature, in essence, if we rezone that we'd probably be encouraging those other owners to convert to multi-family. So, it's a reasonable question to ask and maybe the committee could discuss that but then this is the application by the applicant.

Alderman Osborne asked about water and septic in that area how would that parcel...that doesn't have city water and sewage.

Mr. MacKenzie replied this parcel does have city water and city sewer. They had to build a connection for the sewer system several years ago, but that area now is sewer.

Alderman Shea stated I was taken by the testimony of the person that came up. If this were to be rezoned then the developer, after the rezoning, could have the choice of either having 5 single-family or 66 condominiums, is that correct? They can do then what they wish, is that correct, Bob?

Mr. MacKenzie replied that is correct. They would have to go to the Planning Board to look at the site plan review issues, but they would have a choice they could still build single-family on that side even under R-SM. Likely they would build more multi-family. I know they had looked at what could be developed on this site. I think they were looking at the first round of maybe 54 units, the 66 number was a maximum allowed.

Alderman Shea asked is there anything else they could do beside those two things?

Mr. MacKenzie replied they could build garden style apartments and they could build duplex's in that district...there are four different types of units they could build...single-family duplex, townhouse or garden style.

Alderman Lopez stated when this is referred to the Committee on Bills on Second Reading could we make sure that Police, Fire and Highway weigh in on this whole area especially the traffic count. There are some valid points. Every road has its limits and I know where I live that 50,000 go by my house every day and there are certain times of day that I can't even get in, so I understand what the young lady is speaking about.

Alderman Porter stated obviously the mix is important to the density. If you had all townhouses what would the density be if you had all garden style. We know you're looking at a mix of about 66 units but that could vary depending upon how many garden and how many townhouses. What if it were all garden type apartments and what if it were all townhouse and then somewhere in between where it would fall, do you know that?

Mr. MacKenzie replied I think under this particular district that 66 is the cap on the units whether they're townhouses or garden style. The reality is that they are going to get fewer units if they built townhouses than if they built two large garden style just because they're more space efficient. They could probably come closer to the maximum 66.

Alderman Osborne asked what would the difference be in the impact fees between the 5 and 6 units and the 54 or 66 units per unit let's say.

Mr. MacKenzie stated there would be a significant increase. I know our numbers just changed so I can't rattle that off right now but there's at least a 10-fold increase in the school impact fees and they would also be paying impact fees towards the fire station as well.

Alderman Osborne stated this is a one-time fee.

Mr. MacKenzie replied yes, a one-time fee.

All wishing to speak having been heard, on motion of Alderman Porter, duly seconded by Alderman Forest, it was voted that the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen.

This being a special meeting of the Board, no further business can be presented, on motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted to adjourn.

Mayor Baines stated before we adjourn just a brief announcement since we have an opportunity to inform the public and the Aldermen about it that next Tuesday we will have a Boston Red Sox celebration here in downtown Manchester. The plans now call for the trophy to be on display at City Hall Plaza (weather permitting) from 10:00 AM until 2:00 PM, November 30th. There will be a reception at 2:00 PM at the Center of NH for the Sports Council and we have been informed that the Aldermen will be invited. At 3:00 PM there will be a rally at Veteran's Park that will be open to the public at which there will be speakers from the Boston Red Sox ownership and players who will attend. The only player that's been announced so far is Alan Embree and are working on other players and the trophy will be available. In the event of inclement weather both the display of the trophy and the rally will be inside the Verizon Wireless Arena.

A True Record. Attest.

City Clerk